

### **REMARKS**

The Office Action dated August 11, 2008 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 22, 39-41, 44 and 46 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 47 and 48 are newly added. No new matter has been added. Claims 22-33, 35, 36, 37 and 39-48 are presently pending.

The Office Action rejected claim 44 under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. The Office Action alleged that there is no support in the specification for a computer readable medium, as recited in claim 44. This rejection is respectfully traversed.

Referring to page 16 of the original specification as filed, lines 18-22 disclose “Consequently, in a mobile-originated case, the mobile station MS itself analyses the service request, which is issued by, for example, application software or the terminal (TE).” In order to establish or analyze a service request via a software application, a computer-readable medium and processor are required to load and execute to software application. Claim 22, for instance, recites, in part, detecting a request, accessing information, analyzing whether the networks meet the conditions and initiating a handover. Each of these operations may be performed due to the output of the software application. One of ordinary skill in the art would readily recognize the underlying

computer readable medium and processor required to execute the operations born out of the “application software” disclosed in the specification. Therefore, the specification does provide support for a computer readable medium, a computer program and a processor, each of which are recited in claim 44. Withdrawal of the rejection is kindly requested.

Claims 22-33, 35-37 and 39-46 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dufour (U.S. Patent No. 5,878,349) in view of Tayloe (U.S. Patent No. 5,826,188). The Office Action took the position that Dufour discloses all of the elements of the claims, with the exception of an error procedure being initiated when it is detected that the requested specific service is not available in any of the networks. The Office Action then cited Tayloe as allegedly curing this deficiency in Dufour. This rejection is respectfully traversed for at least the following reasons.

Claim 22, upon which claims 23-33, 35-37 and 45 are dependent, recites a method that includes detecting a request for specific service for a radio transceiver device. The request for specific service is received from a network side. The radio transceiver device is capable of operating with a first radio access network and a second radio access network and is attached to the first radio access network. The method also includes accessing information on conditions for the first radio access network and the second radio access network for giving sufficient support for a specific service requested by the request for specific service. The method also includes analyzing whether or not said first radio access network and said second radio access network meet the conditions. The

method also includes initiating a handover of said radio transceiver device from the first radio access network to the second radio access network if the conditions are met by the second radio access network but the first radio access network does not meet the conditions.

Claim 39, upon which claims 40-43 are dependent, recites an apparatus that includes a detector configured to detect a request for specific service for a radio transceiver device. The request for specific service is received from a network side. The radio transceiver device is capable of operating with a first radio access network and a second radio access network and is attached to the first radio access network. The apparatus also includes an analyzer responsive to the detector, the analyzer is configured to access information on conditions for the first and the second radio access networks for giving sufficient support for the specific service requested by the request for specific service. The analyzer is further configured to analyze whether or not the first radio access network and the second radio access network meet the conditions. The apparatus also includes an initiator responsive to the analyzer, the initiator being configured to initiate a handover of the radio transceiver device from the first radio access network to the second radio access network if the respective conditions are not met by the first radio access network but by the second radio access network,

Claims 44 and 46 recite a computer program claim and a means-plus-function claim which are comparable to method claim 22 and apparatus claim 39, respectively.

As will be discussed below, the combination of Dufour and Tayloe fails to disclose or suggest all of the elements of the claims, and therefore fails to provide the features discussed above. The rejection is respectfully traversed for at least the following reasons.

Dufour discloses a call set-up on a 800 MHz analog voice channel from a channel 1900 MHz digital control channel. Dufour is directed to the situation of two different networks. As described in column 1, lines 64 to 67, Dufour deals with the problem that in case the mobile station is served on a system (1900 MHz digital control channel) that does not support an analog voice channel, to set up a call on a 800 MHz analog voice channel instead. As shown in FIG. 1 in Dufour, there are two clusters of cells, wherein cell sites A and B operate on the 1900 MHz standard (digital), and cell sites A' and B' operate on the 800 MHz standard (analog). See, also, Dufour at FIG. 3A and 3B and in column 4, line 46 to column 5, line 23, to which also the referenced in Office Action.

In Dufour, the mobile station is originally operating on a DCCH channel. When then the user requests an analog service (analog voice channel), the current call is initially set-up on the digital traffic channel (see column 4, lines 63 to 56 of Dufour). Thereafter, the audio voice channel is initiated in a collocated hyperband neighboring cell which is defined as overlaid, i.e., provided on such a collocated hyperband channel (see column 5, lines 1 to 9, steps 38 to 41). In addition, also a hyperband measurement is carried out (see column 5, lines 13 to 18, steps 42 to 47). That is, so-called candidate channels are

provided, and the base station selects the best channel, wherein the mobile station is instructed to tune to the selected audio voice channel (see column 5, lines 13 to 18).

The Office Action explicitly noted column 4, line 46 to column 5, line 23 of Dufour as allegedly disclosing certain features recited in the pending claims. Applicants disagree that the above-noted portion, or, another portion of Dufour discloses or suggests “said request for specific service is received from a network side” and “initiating a handover...from said first radio access network to said second radio access network if the conditions are met by the second radio access network”, as recited, in part, in independent claim 22 and similarly in independent claims 39, 44 and 46.

Referring to column 4, line 46 of Dufour, an inter-network handover is carried out when the mobile channel requests a connection on an analog voice channel. In the call set-up operation of FIGS. 3a and 3b, a call set-up is attempted for a digital subscriber to access an analog voice channel. In operation, the mobile station (MS) camps in a digital DCCH 30 control channel, and the user of the MS can originate a request 31 for the analog channel or receive a page from a nearby BS. The user’s originated request 31 or the page response is transferred to a MSC, which allows the digital channel requests to pass and provides additional setup procedures for handling requests for an analog channel (see column 4, lines 60-65 of Dufour). However, a handover is only indicated when the subscriber’s service code indicates an “analog only” service (see column 4, lines 54 and 55 of Dufour). A handover is initiated only based on the requirement of the mobile station, and not based on the service request from the network.

Contrary to the examples disclosed in Dufour, the pending claims recite that a service request comes **from** a network, so that the network initiates the handover. Specifically, claim 22 recites that “said request for specific service is received from a network side”, which implies that the request is sent from the network side. By contrast, Dufour describes as a first alternative that the mobile station initiates a request for an analog channel service on its own initiative (see column 4, lines 52-57 of Dufour which describe a request or origination message that includes a request for analog service). In the mobile terminated case of Dufour, the network is informed by a service code that the mobile station prefers the analog channel service. For the mobile terminated case, it is the mobile station (MS) which actually requests the service, and not the network. Dufour simply fails to disclose or even suggest that the service request is received from the network, as recited in the pending claims.

In addition to the above-noted deficiencies of Dufour, Tayloe fails to cure those deficiencies with respect to the pending claims. Tayloe discloses

In particular, Tayloe at column 8, lines 20 to 28, discloses a procedure used after a handover is not approved by the new GW (gateway). Thus, Tayloe only describes an error procedure in case the handover request is not successful but does not describe any conditions or motivations for initiating the handover. The procedure described by Tayloe (which is not even related to the requested service, as mentioned above) is performed after a handover is attempted, and does not consider determining whether the handover is desired due to the availability of a requested service on the second network. At best,

Tayloe relates to attempting a handover and then addressing the problem of the network being available.

The Examiner relied on column 8, lines 20 to 28 of Tayloe as allegedly curing the deficiencies of Dufour with respect to the claims. Referring to column 8, a determination is made whether a hand-off is approved by a gateway device. A hand-off “denied” message is sent to the SU (mobile station) when a hand-off is denied. This example of Tayloe does not describe whether a particular service is not supported by both networks, but, instead, simply that a hand-off is denied. The denied hand-off can result from various different reasons. Regardless of the lack of teachings disclosed in Tayloe, it is noted that the feature regarding the “error procedure” has been removed from the independent claims 22, 39, 44 and 46. Therefore, the reason that the Office Action relied on Tayloe is now moot in view of the currently pending claims.

Neither Dufour nor Tayloe disclose that a service request is received from the network, and, that depending on the conditions of support for this service, an inter-network handover is automatically initiated. Furthermore, combining both Dufour and Tayloe could not have inspired a person possessing ordinary skill in the art to arrive at the subject-matter of the independent claims 22, 39, 44 and 46.

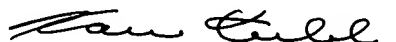
For at least the reasons discussed above, Applicants respectfully submit that the cited references fail to disclose or suggest all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated

and unobvious. It is therefore respectfully requested that all of claims 22-33, 35, 36, 37 and 39-48 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Petition for Extension of Time  
Additional Claims Fee Transmittal  
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